

Introduced by Senator Torlakson

January 23, 2003

An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 85, as introduced, Torlakson. County employees' retirement: death benefits.

Under the County Employees Retirement Law of 1937, any death benefits, optional retirement allowances, or survivor's allowances accorded to a spouse, as specified, may be accorded to a domestic partner in San Mateo County, Los Angeles County, Santa Barbara County, and Marin County, subject to approval by the county board of supervisors and other limitations.

This bill would make those provisions applicable to all counties in California.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31780.2 of the Government Code is
 2 amended to read:
 3 31780.2. (a) ~~In a county of the 1st class, the 10th class, the~~
 4 ~~16th class, or the 18th class, as defined in Sections 28020, 28022,~~
 5 ~~28031, 28037, and 28039, any~~ Any benefits accorded to a spouse
 6 pursuant to this article and Article 11 (commencing with Section
 7 31760), Article 15.5 (commencing with Section 31841), Article
 8 15.6 (commencing with Section 31855), and Article 16



1 (commencing with Section 31861), or any of them, may be
2 accorded to a domestic partner, as defined in Section 297 of the
3 Family Code, who is registered with the Secretary of State
4 pursuant to Division 2.5 (commencing with Section 297) of the
5 Family Code. The county may also require the member and the
6 member's domestic partner to have a current Affidavit of
7 Domestic Partnership, in the form adopted by the county board of
8 supervisors, on file with the county for at least one year prior to the
9 member's retirement or death prior to retirement.

10 (b) In the event a member described in subdivision (a) has a
11 surviving dependent child, the surviving dependent child shall
12 receive the death and survivor's allowance until age 19 years or
13 until married, whichever occurs earlier, or until age 22 years if
14 attending an educational institution. When the member's
15 surviving dependent child reaches age 19 years or is no longer a
16 dependent, whichever occurs earlier, or reaches age 22 years if
17 attending an educational institution, then the benefits accorded to
18 a spouse, as specified in subdivision (a), may be accorded to a
19 domestic partner pursuant to this section. However, if a surviving
20 dependent child elects to receive a lump-sum payment, the
21 lump-sum payment shall be shared among any surviving
22 dependent children and the domestic partner, pursuant to this
23 section, in a proportional manner.

24 (c) This section is not operative unless and until the county
25 board of supervisors, by resolution adopted by a majority vote,
26 makes this section operative in the county.

